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country summary

Democratic Republic of Congo

Despite widespread optimism following the 2006 elections, violence against civilians, political repression, and impunity has continued during Joseph Kabila's first year as the newly elected president of the Democratic Republic of Congo.

In eastern Congo, political agreements to integrate combatants loyal to renegade general Laurent Nkunda failed, and war continues. All sides in the conflict commit atrocities against civilians, especially women, and a further 350,000 people joined the hundreds of thousands already displaced. In western Congo, soldiers and police killed more than 100 persons protesting corruption in the Bas Congo provincial elections. In March the soldiers and bodyguards of opposition leader Senator Jean-Pierre Bemba clashed with government soldiers in the heart of Kinshasa, leaving hundreds of civilians dead. Law enforcement officials arbitrarily detained over 300 people linked to the opposition, including journalists and members of civil society, and brutally tortured some of them.

Few military or civilian authorities were held accountable for past crimes. Warlords and militia leaders continue to be awarded top army positions instead of facing justice for their abuses.

Ongoing Violence in Eastern Congo

The people of the eastern Congo, buffeted by years of war, endured more armed conflict and human rights abuses, including murders, rape, and the recruitment and use of child soldiers, despite political agreements meant to resolve conflicts in the eastern province of North Kivu. Early in the year combatants loyal to the renegade general Laurent Nkunda were integrated into the national army in a process called "mixage." The newly established mixed brigades killed scores of civilians and committed rapes and other abuses in their operations against the Forces for the Liberation of Rwanda (FDLR), a Rwandan rebel group based in eastern Congo. By

August the political agreements had collapsed and many of Nkunda's former troops returned to his control; renewed clashes between Nkunda's troops and government soldiers followed.

Government policy towards the FDLR followed a confused and contradictory course, with the army sometimes supporting and sometimes attacking this group. The FDLR, composed largely of Rwandese combatants, is supposedly committed to overthrowing the current government of Rwanda, but in recent years its members have attacked Congolese civilians more than they have engaged the Rwandan military.

The shifting configurations of the conflict have variously seen all forces fighting each other. The Congolese government, backed by the international community, tried various measures to end the fighting, but failed to address its underlying causes. Although crimes by all parties constituted violations of international humanitarian law, virtually none has been investigated, let alone prosecuted.

Violence in Kinshasa

On March 22, government forces and bodyguards of disappointed presidential contender Bemba clashed for three days in Kinshasa, the third such incident since August 2006. Both sides used heavy weapons in densely populated residential areas without regard for the welfare of civilians. At least 300 persons—many of them civilians—were killed. No investigation has established a definitive death toll. Some of Bemba's bodyguards fled across the river to Brazzaville (Republic of Congo) or sought protection with United Nations peacekeepers. Others tried to hide in local homes, but many were found and detained by security forces who reportedly summarily executed dozens of persons, including civilians. Bodies found in the Congo River, some bound and blindfolded, substantiated allegations of execution by government forces. Government troops also seized and ransacked Bemba's party headquarters and his radio and television stations, forcing their closure for a number of months. In April, following the violence and government threats to try him on charges of treason, Bemba left the country.

Tens of thousands of street children continued to be at risk in Congo, subjected regularly to physical, sexual, and emotional abuse, often at the hands of police and military forces. The Congolese government has taken few steps to protect these children from abuses.

Political Repression in Western Congo

Throughout 2007 law enforcement officials and soldiers used violence and repressive tactics against perceived opposition supporters, including politicians, journalists, and persons from Equateur, the home region of opposition leader and former presidential candidate Jean Pierre Bemba.

On January 31 and February 1, soldiers and police used excessive force to quell demonstrations against corruption in the gubernatorial elections in Bas Congo. They fired indiscriminately into crowds armed with sticks but no firearms, killing more than 100 followers of the politico-religious group Bundu Dia Kongo (BDK). Soldiers and police officers even trailed injured persons into their hiding places and executed some. Congo's newly elected national assembly established a commission to investigate the incident, but its efforts were restrained by political leaders. As of nine months after the massacre, no assembly report had been issued and no soldier or police officer had been prosecuted for his conduct.

Threats to Journalists and Human Rights Defenders

Two journalists were killed and over 30 others critical of the government were detained, beaten, or otherwise harassed during the year. On June 13 Radio Okapi journalist Serge Maheshe was murdered in Bukavu. Two of his friends were later convicted of the crime in a trial marred with contradictions and irregularities. On August 8 freelance photojournalist, Patrick Kikuku Wilungula, was murdered in Goma by an unidentified gunman. On March 21, government troops seized and ransacked Bemba's radio and television stations, forcing their closure and driving nearly a dozen journalists and technicians into hiding. Security forces also raided at least five other radio and television stations in connection with their news coverage.

When, in July, activists from the human rights group Journaliste en Danger (JED) denounced attacks on journalists, the government information minister called them “unpatriotic” on national television and threatened to review their registration. When union members, including those from the teachers union (Syndicat des Enseignants du Congo, Syeco), used their freedom of expression and association to strike over pay and conditions, they were threatened by anonymous callers.

Justice and Accountability

Persons suspected of grave violations of international humanitarian law continued to enjoy near total impunity. Only a handful were arrested and prosecuted while dozens of others were promoted to senior positions in the army or the government. In one exceptional case the Ituri warlord Chief Kahwa Mandro was tried on charges of war crimes and crimes against humanity, but he was acquitted after an appeals process marred by irregularities.

The judicial process continued to be characterized by political interference and corruption. Since late 2006 some 300 people linked to the opposition—including women and children—have been arbitrarily arrested and imprisoned in Kinshasa. Many have been tortured at Kin-maziere police prison, at Tshatshi military camp, or elsewhere to try to force them to confess to coup plotting or insurgency. Few of them have been brought before the courts. In one exceptional case, former presidential candidate Marie Thérèse Nlandu and nine others were tried for organizing an insurgency. During proceedings closely observed by human rights monitors, the prosecutor failed to prove the charges, and all were acquitted on April 30. Shortly afterwards the presiding judge was removed from his post, and the state appealed the acquittal. Nlunda fled abroad.

The International Criminal Court (ICC) in the Hague provided some hope that perpetrators of human rights abuses in Congo would be held to account. In January judges at the ICC decided there was sufficient evidence against its first suspect in custody, Ituri warlord Thomas Lubanga Dyilo, charged with enlisting, subscribing, and using child soldiers. The trial, the first in the court’s history, is scheduled to start in March 2008. On October 17 a second Ituri warlord, Germain Katanga, was

transferred to the ICC and charged with war crimes and crimes against humanity for his involvement in killings, use of child soldiers, sexual enslavement, and pillaging.

Key International Actors

Apparently reluctant to criticize the leader chosen by an electoral process in which they invested so much political and financial capital, international donors have said little about human rights abuses under Kabila's government. Instead, they flocked to Kinshasa to sign agreements for economic development programs. Concern over the possible increase of influence from China was spurred by the Chinese loan of over US\$5 billion to Congo's government in return for mining concessions.

Slow to react to the crisis in eastern Congo, UN leaders and representatives of the United States, the United Kingdom, France, Belgium, and South Africa finally acknowledged in September the risks of wider conflict and committed themselves to finding political solutions to the crisis.

The UN peacekeeping force in Congo, MONUC, had to redefine its role in the wake of elections and struggled to find the appropriate balance among contending political actors while still implementing its mandate to protect civilians. MONUC hesitated for months to speak openly about the human rights problems linked to conflict in eastern Congo, and it failed to publish two reports on human rights abuses that might have embarrassed the government. The UN high commissioner for human rights, the special rapporteur on violence against women, and the special representative of the secretary-general for children and armed conflict all visited Congo and contributed significantly to raising public awareness of human rights abuses among diplomats and the public in general.

In September the Human Rights Council (HRC) rescheduled for March 2008 its consideration of whether or not to keep or amend the mandate of the Independent Expert on the situation in the DRC.